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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DAVID W. SMITH

Serial No.: 09/225,388

Filed: JANUARY 5, 1999

For: METHOD AND APPARATUS FOR
PATTERN MATCHING ON SINGLE AND
MULTIPLE PATTERN STRUCTURES

Group Art Unit: 2616

Examiner: TOAN D. NGUYEN

Atty. Dkt.: 2000.002500/TT2581

CUSTOMER NO. 23720

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

September 8, 2008
Date

[Signature]
Signature

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed June 6, 2008, finally rejecting claims 1-6, 8-18, 20-28 and 30-35. The shortened statutory three-month deadline for filing this Notice of Appeal is September 6, 2008. This Notice of Appeal is being filed on Monday, September 8, 2008 (the following business day after Saturday, September 6, 2008) therefore, it is timely filed.

If an extension of time is required to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) to enable this document to be timely filed.

09/11/2008 HVUONG1 00000016 500786 09225388

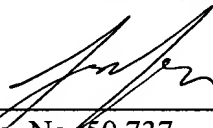
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The fee for filing this Notice of Appeal is \$510.00. **The Commissioner is authorized to deduct the fees in the amount of \$510.00 from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2000.002500.** No other fee(s) is believed to be due. However, in the event that any other fee(s) is due for any reason under 37 C.F.R. §§ 1.16 to 1.21, the Commissioner is authorized to deduct said fee(s) from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2000.002500.

The undersigned attorney may be contacted at (713) 934-4069 with respect to any questions, comments, or suggestions relating to this appeal.

Respectfully submitted,
WILLIAMS, MORGAN & AMERSON, P.C.

Date: September 8, 2008

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